

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

THOMAS A MANZ,	)	CV 04-23-M-DWM
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
MIKE McGRATH, Attorney	)	
General,	)	
	)	
Respondent.	)	
	)	

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United States Magistrate Judge Leif B. Erickson entered his Findings and Recommendation in this matter on May 24, 2006. Petitioner Manz did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b) (1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Manz has repeatedly failed to comply with this Court's orders. There is no need to recount the details of Judge

Erickson's Findings-it suffices to note that Manz has not done his part to expeditiously resolve this matter and he has not been prejudiced. Finally, due to Manz's refusal to comply with the Court's orders the Court does not have jurisdiction to hear the matter. Consequently dismissal is appropriate.

Accordingly based on the foregoing, IT IS HEREBY ORDERED that Judge Erickson's Findings and Recommendation (dkt #8) are adopted in full; and

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus (dkt #1) is DISMISSED.

DATED this 4th day of August, 2006.

/s/ Donald W. Molloy  
Donald W. Molloy, Chief Judge  
United States District Court